THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13130 of 2006

ORDER:

With the consent of both the counsel, the writ petition is taken up for disposal at the stage of admission.

This writ petition is filed questioning the Memo issued by the second respondent dated 15.5.2006 informing that the request of the K C P Lakshmipuram Area Yuva Cheraku Rythula Sangheebhava Association, Challapalle for diversion of cane is contrary to the provisions of the A.P. Sugarcane (RS&P) Act and Rules 1961 and A.P. Jaggery Manufacturers Licensing Order, 1975 and no such permission/orders have been issued to the said association or to any other association/persons for supply/diversion of sugarcane to any outside sugar factory other than zone area or for jaggery making in the ensuing season i.e. 2006-2007. In pursuance of the said memo, a notice dated 19.6.2006 was issued to the petitioner asking him to adhere to the provisions of A.P. Jaggery Manufacturers Licensing Order, 1975 and stop manufacturing of jaggery without there being any licence from the proper authority.

It is the contention of the petitioner that he is the sugarcane grower and under the A.P. Jaggery Manufacturers Licensing Order, no licence is required for a person who crushes not exceeding five quintals of sugarcane per day. The word 'manufacturer' is defined under Section 2(f) of the A.P. Jaggery (Gur) Manufacturer Licensing Order, 1975, which reads as under:

> "Manufacturer" means a person engaged in the production of jaggery;
>
> (i) by a power crusher (irrespective of its capacity); or
>
> (ii) by a crusher in quantities not exceeding five quintals in one day and manufacture and be construed accordingly."

Therefore, the petitioner is entitled to crush five quintals of sugarcane every day and there is no licence required under the said Act.

This Court, while admitting the writ petition on 29.6.2006, granted interim suspension of the notice issued by the fourth respondent dated 19.6.2006.

The fifth respondent filed a detailed counter affidavit stating that the petitioner has no licence under the provisions of A.P. Jaggery (Gur) Manufacturer Licensing Order, 1975, therefore, the authorities have rightly passed the impugned order dated 15.5.2006 and the consequential notice dated 19.6.2006.

It seems the petitioner's understanding as to the definition of manufacturer is that he can manufacture "jaggery" not exceeding five quintals. This is not the meaning of the definition. Under the definition, a ryot is only entitled to crush upto five quintals of "sugarcane" without using any power mechanism and not five quintals of jaggery. In this context, the learned counsel for fifth respondent relied upon the judgment of this Court in **RAGHUPATHY REDDY AND OTHERS v. GOVT. OF A.P. AND OTHERS**[1], which reads as under:

> "It is however made clear that a person, who crushes more than five quintals sugarcane in a day by a power crusher or any other crusher, is a manufacturer and would be covered by the order and is obliged to take a licence. But one who crushes less than five quintals per day either by use of power or any other crusher, he would not be a manufacturer and therefore is not obliged to take a licence."

Of course, a plain reading of definition of 'manufacturer', the petitioner is entitled to crush without using the power mechanism not exceeding five quintals, but he cannot be permitted to crush or manufacture five quintals of jaggery per day. That is not the purport of the definition. Therefore, if the petitioner wants to crush only five quintals of sugarcane manually, there cannot be any objection and he need not have any licence for the same.

In view of the above, the petitioner is permitted to crush only five quintals of sugarcane manually without using any power mechanism and if he is within this limit, there is no necessity of any licence being held by him. The respondents shall not interfere into crushing of sugarcane not exceeding five quintals per day in the premises of the petitioner.

With the above observation and direction, the writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU, J

Date: 24.8.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

24.8.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.13130 of 2006

Dated: 24th August, 2006

Between:

Paruchuri Ranga Rao

.. Petitioner

and

The Principal Secretary, Food & Agriculture,
Government of Andhra Pradesh,
Secrtariat, Hyderabad & others.

.. Respondents

[1] 1981(2) APLJ 43